HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.20467 of 2006

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Between:

Narra Venkata Krishna Rao

……Petitioner

And

Indian Oil Corporation,
Rep. by its General Manager,
A.P.State Office, 3-6-436, 3rd Floor,
Himayat Nagar, Hyderabad – 29
and seven others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Smt. G.Iravathi
for
Shri K.L.N.Swamy

September 28, 2006

Per G.S. SINGHVI, CJ

Shri Narra Venkata Krishna Rao, a resident of Village Kolluru has filed this petition in the name of public interest litigation for issue of a direction to respondent Nos.1 and 7 not to allow respondent No.8 from carrying on the construction work for establishing petrol bunk opposite to main gate of Zilla Parishad High School, Kolluru.

We have heard Smt. G. Iravathi, learned counsel for the petitioner and carefully scrutinized the averments contained in the affidavit filed in support of the writ petition and two documents annexed with it. In our opinion, the petitioner has miserably failed to make out a case for issue of a writ of prohibition to restrain respondent Nos.1 and 7 from preventing respondent No.8 from establishing the petrol bunk and the writ petition is liable to be dismissed summarily because –

(i) the petitioner has neither averred nor any document has been produced to show that the petrol bunk is being establishing without obtaining the necessary licence and permission from the competent authorities under the Petroleum Act, 1934 and the rules framed thereunder;

(ii) the petitioner has not placed on record copy of the No Objection Certificate, permission etc. granted by the competent authorities for establishing petrol bunk at the site in question. He has also not made a prayer for quashing such No Objection Certificate, permission etcetera, and

(iii) the petitioner has not produced the site plan or sketch map to substantiate his assertion that he location of the proposed petrol bunk is near the school set up by Zilla Parishad.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No. 25881 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY,J

28-09-2006
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